

### **REMARKS/ARGUMENTS**

Applicant has carefully reviewed and considered the Final Office Action (FOA) mailed on February 23, 2010, and the references cited therewith.

Claims 26 and 52 are amended, claims 22, 25, and 27-28 are canceled, claims 1-21 and 31-51 are withdrawn, and no claims are added; as a result, claims 23-26, 29-30, and 52 are now pending in this application.

#### **Examiner Interview Summary**

Applicant and Examiner Mendoza conducted a telephone interview on April 13, 2010, concerning the claim language and amendment thereof. Applicant appeared to reach agreement that adding “said temporary graft tears along said perforations when radially outward force is applied to said rolled graft” to independent claim 26, along with incorporating the subject matter from dependent claim 26, would overcome the teachings of the cited references. Examiner Mendoza appeared to state that such changes to the claim language would necessitate further search for relevant references. With regard to amended independent claim 52, Examiner Mendoza appeared to state that further review of the Ravenscroft reference is required to determine the allowability of the added claim language. Applicant thanks the Examiner for his time and consideration.

#### **§ 103 Rejection of the Claims**

Claims 23-30 were rejected under 35 USC § 103(a) as being allegedly unpatentable over van der Burg, et al. (U.S. Patent No. 6,352,553), in view of McDonald (U.S. Patent No. 5,676,697). Applicant respectfully traverses the rejection as follows.

Applicant’s independent claim 26, as currently amended, presently recites:

A rolled graft, comprising a generally tubular graft flattened against itself and rolled onto itself into a cylindrical configuration, wherein said graft includes a larger diameter main section and two smaller diameter sections at an axial end of said larger diameter

section, wherein a first smaller diameter section is rolled within a second smaller diameter section, in combination with an expansion element disposed axially within said rolled graft, further comprising a temporary covering surrounding and restraining said graft in said cylindrical configuration, wherein said temporary covering comprises perforations along its length, such that said temporary graft tears along said perforations when radially outward force is applied to said rolled graft with said expansion element.

In contrast, section 10 of the present FOA appears to acknowledge that the combination of the van der Burg and McDonald references does not teach a temporary covering including perforations along its length.

As such, Applicant respectfully submits that the van der Burg and McDonald references, individually or in combination, do not teach, suggest, or render obvious each and every element and limitation of Applicant's independent claim 26, as currently amended. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 103 rejection of independent claim 26, as currently amended, as well as those claims that depend therefrom.

Claims 28-30 were rejected under 35 USC § 103(a) as being allegedly unpatentable over van der Burg in view of McDonald, further in view of Wallace, et al. (U.S. Patent No. 6,254,628). Applicant respectfully traverses the rejection as follows.

With regard to dependent claims 27-28, section 10 of the present FOA appears to acknowledge that the combination of the van der Burg and McDonald references does not teach a temporary covering including perforations along its length. Section 11 goes on to state, however, that the Wallace reference teaches a covering with perforations.

Applicant notes that the Wallace reference appears to teach, "The tear away sheath 81 in this embodiment surrounds the stent 1 and holds it in a tight roll at the distal tip of the catheter." (Col. 18, lines 56-58). Wallace appears to go on to teach in column 19, lines 3-7:

The sheath 81 is removed from the stent by pulling the pull-tabs in the proximal direction. As shown in FIG. 29, when the pull-tabs 95 are pulled proximally, the sheath tears along the perforation lines 94 and the sheath 81 is peeled away from the stent like a banana peel.

In contrast, Applicant's independent claim 26, as currently amended, presently recites:

A rolled graft, comprising a generally tubular graft flattened against itself and rolled onto itself into a cylindrical configuration, wherein said graft includes a larger diameter main section and two smaller diameter sections at an axial end of said larger diameter section, wherein a first smaller diameter section is rolled within a second smaller diameter section, in combination with an expansion element disposed axially within said rolled graft, further comprising a temporary covering surrounding and restraining said graft in said cylindrical configuration, wherein said temporary covering comprises perforations along its length, such that said temporary graft tears along said perforations when radially outward force is applied to said rolled graft with said expansion element.

Hence, Applicant respectfully submits that the van der Burg, McDonald, and Wallace references, individually or in combination, do not teach, suggest, or render obvious A rolled graft, comprising a generally tubular graft flattened against itself and rolled onto itself into a cylindrical configuration, wherein said graft includes a larger diameter main section and two smaller diameter sections at an axial end of said larger diameter section, wherein a first smaller diameter section is rolled within a second smaller diameter section, in combination with an expansion element disposed axially within said rolled graft, further comprising a temporary covering surrounding and restraining said graft in said cylindrical configuration, wherein said temporary covering comprises perforations along its length, such that said temporary graft tears along said perforations when radially outward force is applied to said rolled graft with said expansion element.

As such, Applicant respectfully submits that the van der Burg, McDonald, and Wallace references, individually or in combination, do not teach, suggest, or render obvious each and every element and limitation of dependent claims 27-28 in

combination with the subject matter of dependent claim 25. Dependent claims 25 and 27-28 have been canceled and the patentable subject matter has been incorporated into independent claim 26, as currently amended. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 103 rejection of independent claim 26, as currently amended, as well as those claims that depend therefrom.

Claim 52 was rejected under 35 USC § 103(a) as being allegedly unpatentable over van der Burg in view of Ravenscroft (U.S. Patent No. 5,755,770). Applicant respectfully traverses the rejection as follows.

Section 14 of the present FOA appears to acknowledge that the van der Burg reference does not teach two smaller diameter sections at an axial end of the larger diameter section. Sections 15-16 go on to state, however, that the Ravenscroft reference does so and also teaches that the two smaller sections can be inverted into the main graft. Applicant respectfully disagrees as presented below.

Applicant notes that the Ravenscroft reference appears to teach, referring to Figure 5, “the graft 20 is shown expanded and deployed between the thoracic artery 1 and the right iliac artery 11.” (Col. 4, lines 49-51). Ravenscroft appears to go on to teach in column 4, lines 53-58:

The second stent 22 is shown engaging the right iliac artery 11 to hold the left leg 23 in place. With the delivery mechanism illustrated in FIG. 4, the graft 20 has been delivered with the stents 21 and 22 in place within graft 20. The right leg 24 of the graft has been inverted within the graft during the delivery.

Hence, as shown in Figure 5, Ravenscroft appears to teach that, when the graft 20 is expanded and deployed, the left leg 23 is extended such that the second stent 22 engages the right iliac artery to hold the left leg 23 in place, whereas only the right leg 24 of the graft 20 has been inverted within the graft 20 during the delivery thereof. As such, Applicant respectfully submits that Ravenscroft appears to teach that during delivery the graft 20 has a length at least from stent 21 at one

end of the graft to stent 22 near the end of extended left leg 23, which is necessarily extended to hold the left leg 23 in place by engaging the right iliac artery 11.

The Ravenscroft reference also appears to teach with regard to Figure 1, "A first inversion of the hem 33 forms a first cuff 34. In the preferred embodiment the hem 33 is inverted a second time to form a second cuff 35 which opens away from the proximal open end 30." (Col 3, lines 21-24). Examination of Figure 1 shows that the first and second cuffs cause folding of portions of the leg within itself.

In contrast, Applicant's independent claim 52, as currently amended, presently recites:

A rolled graft, comprising a generally tubular graft flattened against itself and rolled onto itself into a cylindrical configuration, wherein said graft includes a larger diameter main section and two smaller diameter sections at an axial end of said larger diameter section, wherein the two smaller diameter sections are disposed within the main section whereby a length of said rolled graft is shortened during delivery inside a body lumen.

Applicant respectfully submits that Ravenscroft teaches away from a statement that the two smaller sections can be inverted into the main graft. Moreover, Applicant respectfully submits that the van der Burg and Ravenscroft references, individually or in combination, do not teach, suggest, or render obvious that the two smaller diameter sections are disposed within the main section whereby a length of the rolled graft is shortened during delivery inside a body lumen.

As such, Applicant respectfully submits that the van der Burg and Ravenscroft references, individually or in combination, do not teach, suggest, or render obvious each and every element and limitation of independent claim 52, as currently amended. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 103 rejection of independent claim 26, as currently amended.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's below listed attorney at (612) 236-0126 to facilitate prosecution of this matter.

CERTIFICATE UNDER 37 CFR §1.8: The undersigned hereby certifies that this correspondence is being filed electronically with the U.S. Patent and Trademark Office on this 19 day of

April, 2010.

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